[Constitution as of 1949]

Chapter XI. Fundamental Rights and Duties of Citizens

641 Art. 122. Citizens of the Russian SFSR have the right to work, that is, are guaranteed the right to employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises and the abolition of unemployment.

Art. 123. Citizens of the Russian SFSR have the right to rest and leisure.

[766] The right to rest and leisure is ensured by the fixing of the working day for factory and office workers at eight hours and the reduction of the working day to seven or six hours for arduous trades and to four hours in workshops where conditions of work are exceptionally arduous; by the institution of annual vacations with full pay for factory and office workers; and by the provision of a wide network of sanitoria, rest-homes and clubs for the accommodation of the working people.

[857] Art. 124. Citizens of the Russian SFSR have the right to maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of factory and office workers at State expense, free medical service for the working people, and the provision of a wide network of health resorts for the use of the working people.

[871] Art. 125. Citizens of the Russian SFSR have the right to education.

This right is ensured by universal compulsory elementary education; by free education up to and including the seventh grade; by a system of state stipends for students of higher educational establishments who excel in their studies; by instruction in schools being conducted in the native language; and by the organization in the factories, State farms and machine and tractor stations and collective farms of free vocational, technical and agronomic training for the working people.

[862] Art. 126. Women in the Russian SFSR are accorded equal rights with men in all spheres of economic, state, cultural, social and political life.

The possibility of exercising these rights is ensured to women by granting them an equal right with men to work, payment for work, rest and leisure, social insurance and education and by State protection of the interests of mother and child, state aid to mothers of large families and unmarried mothers, maternity leave with full pay and the provision of a wide network of maternity homes, nurseries and kindergartens.

[863] Art. 127. Equality of rights of citizens of the Russian SFSR, irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life, is an indefeasible law.

Any direct or indirect restriction of the rights of, or conversely, any establishment of direct or indirect privileges for, citizens on account of their race or nationality and also any propagation of racial or national exclusiveness, hatred and contempt - are punishable by law.

6: Tomasic E-4 (1947-1948) 1953 RF1 Great Russia RF1

631 625 responsible only to the Czar; and the police, not being responsible to the public, but only to their immediate superiors, tended to be arbitrary.

647 What mattered in Russia's bureaucratic system was obedience to one's superiors. That was the primary criterion of judgment of the fitness of a civil servant, not his ability or personal integrity. Seldom was an employee dismissed because of corruption and injustice. A functionary could not be prosecuted for acts committed in the exercise of his functions except with the consent, or, on the initiative of his superiors. And the higher placed the offender, the less real was his responsibility. At the same time a subordinate employee, a soldier, or an inferior officer had no redress if wronged by his superior. A subordinate did have the right by law to lodge a complaint against mistreatment on the part of his chief, but according to the rules of Russian hierarchical discipline, no public servant, civil or military, could present a petition or complaint except through his own superior officer.[5] Few ever dared to do so.

647 871 This bureaucratic irresponsibility and impunity assumes an especial significance if one has in mind the low status of education and training of Russian officials. By the end of the nineteenth century in the provinces, according to an official investigation, out of a hundred employees, only one or two were found to have attended a university, five or six to have graduated from secondary schools, ten or twelve from primary schools. Eighty out of a hundred had had no formal schooling whatever and had passed no examination.[6] Many former soldiers and war veterans with little or no formal schooling crowded civil administration. At times the higher the education the less chances one had to enter state service.[7]

II

647 557 In such a system excess in zeal was often rewarded. On the other hand, initiative and originality, if not successful, were fraught with great personal risks. Therefore, shirking from work and responsibility, and struggling for office and rank became the rule. It was only by achieving higher position and by winning

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668 647 701 554 In a similar manner revolt was brewing in the bureaucracy and the armed forces. In a system which was founded on the principles of absolute dominance, subservience and unconditional submission, it is to be expected that the civil service employees as well as many officers would be often exposed to caprice, arbitrariness and wrong doings on the part of their superiors. These, too, were left without possibility of redress as were the clergymen. Strong sense of rank and social distance were as marked in these strata as among the clergy.

871 565 The lay schools[1] were not much different in strictness and discipline from the priests' seminaries, and students in these schools were often as ill-fed, ill-clothed, ill-housed, and as exposed to the rod and other degrading treatment. The student's parents, who were often impoverished gentry, petty chinovniks, or small traders with meager incomes and big families, were not always able to support their children throughout long years of schooling. At the same time in an economically and technologically [555] undeveloped society with strong traditions of service nobility, there was nothing that young people from such families could do but to enroll at a university or a military academy in order to obtain government office, or to engage in free learned professions. In Russian society of those days these were the only possibilities of obtaining positions of some prestige. Many of these students from impoverished strata had therefore to depend upon public or private munificence to finish their studies. Some of them became police informers to secure a meager income and to finish schooling. Many had to drop out of school because of lack of financial resources.

871 668 All Russian schools, therefore, on the middle as well as on the university level, became centers of revolt against an order which exposed them to humiliating treatment, but did not offer them opportunities in accordance with the established traditions of higher classes. Hence the higher the school, the more it was imbued with the revolutionary spirit. And the words "student" and "revolutionary" became synonymous.

517 647 641 When new laws were introduced and these ambitious and rebellious young men and women finally entered state service they found that in addition to being ill-treated and ill-paid, a

[1] [i.e. in the second half of the XIX th century -- Analyst]

6. Tomasic E-4 (1947-1948) 1953 RF1 Great Russia RF1

ease the entrance of the upper classes into the Party ranks. This was done in 1939.[12] According to Pravda's figures, in 1947 out of five to six million Party members and candidates, about one-third had university or middle school education (1,700,000).[13] The extent to which these upper classes imposed their dominance over the Party is indicated by the figures according to which at the Eighteenth Party Conference in 1941, the percentage of delegates with a complete college or university education was 41.8 as against only 6.5 percent of the voting delegates with higher education at the Party Congress in 1924.[14]

Such a Party structure is very much out of proportion to the general ratio of educated to non-educated classes in the Soviet Union, since at least four-fifths of the Soviet subjects have less than high school education. The Bolshevik Party structure is also greatly out of proportion to the vocational composition of the Soviet Union where still about three-fourths of the population belong to the strata of peasants and of industrial labor. The conspiratorial nature of the Party, the complexity of the Soviet system of rule and the need for increasing specialization of Party members in activities on which the Bolshevik power rests, favor limitation of Party membership to the educated and ruling classes.

The meaning of education and specialization in Soviet power structure becomes clearer if the system of controlled schooling in the Soviet Union is kept in mind. Both university and middle school education are mainly within the reach of higher classes.[15] It is extremely difficult for the average industrial wage-earner or peasant to send any of his children to more than elementary school because the tuition fees and the living costs in educational centers are above his income. The low wages of the industrial labor and the peasantry make it necessary for all family members, including mother and young children, to contribute to the family income by full time or part time work. Also the government conscripts youths for labor reserve battalions mainly from these strata. The children and youths from these strata depend therefore entirely upon the government stipends if they have any ambition and necessary pretraining for higher education. However in selecting candidates for schooling at govern-

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ment expense the Party recruits these in the first place from among specific categories of children, such as war orphans, illegitimate and delinquent children, and children of Party functionaries. Such children are considered to be most promising from the point of view of Party objectives.

It is mainly from the university student body that the new ruling classes and all needed experts of the Soviet Union are being recruited.[16] It is therefore of paramount importance that this reservoir of the ruling strata is kept well under control and that it is thoroughly ideologically indoctrinated and trained in unswerving loyalty and conformity to the Party. "Ideological training of Soviet students is a vital and integral part of all the work of district, city, province, and territory party committees."[17] It is therefore imperative that this body is highly selective and not overcrowded. Recruitment of university students from among higher classes and from selected categories of children serves well the Party objectives to perpetuate its power and to command unconditional submission of all to its will. Such policies also tend to solidify Soviet social structure along caste lines.[18]

III

The Bolsheviks have also employed other means to establish their absolute dominance. Following Anarchist precepts and practices, and driven by power-seeking and destructive aggression, they have justified a number of oppressive measures as being necessary "to hasten the liquidation of the capitalistic elements and to organize defense against capitalist encirclement which is as yet far from being, and will not soon be destroyed."[19] Their objectives were to be achieved not only by means of economic dependency, systematic indoctrination, planned social isolation and lack of trust, but also by means of relentless vigilance and systematic terror.

One of the most important instruments of such policies have been the courts of law. Soviet socialist law is defined as the "totality of the rules of conduct, established in the form of legislation—to the end of annihilating, completely and finally, capitalism and its survival in the economy, manner of life,